

**APPROVED MINUTES
SUNNYVALE CITY COUNCIL
TUESDAY, APRIL 29, 2008**

5 P.M. SPECIAL COUNCIL MEETING (Study Session) -The Review of Seismic Safety and Safety Sub-Element

6 P.M. SPECIAL COUNCIL MEETING (Closed Session) - Potential Threat to Public Services or Facilities: Consultation with Sunnyvale Department of Public Safety, Director of Public Safety, Deputy Chief of Patrol Services, Deputy Chief of Special Operations and Special Operations Captain, Pursuant to Government Code Section 54957

7 P.M. REGULAR MEETING

SALUTE TO THE FLAG

Mayor Spitaleri led the salute to the flag.

ROLL CALL

PRESENT:

Mayor Anthony Spitaleri
Vice Mayor Melinda Hamilton
Councilmember John Howe
Councilmember Otto Lee
Councilmember Ron Swegles
Councilmember Christopher Moylan
Councilmember David Whittum

ABSENT:

None

STAFF PRESENT:

City Manager Amy Chan
Assistant City Manager Robert Walker
City Attorney David Kahn
Director of Finance Mary Bradley
Planning Officer Trudi Ryan
Director of Libraries Deborah Barrow
Golf Operations Supervisor Mark Petersen
Director of Parks and Recreation David Lewis
Public Safety Captain Kelly Fitzgerald
Finance Manager Grace Leung
Director of Employment Development Mike Curran
City Clerk Gail Borkowski

CLOSED SESSION REPORT FOR APRIL 29, 2008

Vice Mayor Hamilton reported that the City Council met in Closed Session earlier this evening regarding: Potential Threat to Public Services or Facilities: Consultation with Sunnyvale Department of Public Safety, Director of Public Safety, Deputy Chief of Patrol Services, Deputy Chief of Special Operations and Special Operations Captain, Pursuant to Government Code Section 54957

Vice Mayor Hamilton reported no direction was given and no action was taken.

SPECIAL ORDER OF THE DAY

2007 Fire Poster Awards

PUBLIC ANNOUNCEMENTS

Councilmember Howe announced that members of the public are able to offer their comments to the executive search firm as to what values and traits they would like to have considered in seeking the City's new city manager.

Councilmember Howe announced an upcoming program at the Sunnyvale Library about retaining your own heritage while learning to appreciate other cultures.

Councilmember Howe announced an upcoming community event "Global Sunnyvale - a celebration of cultures."

Councilmember Swegles announced an upcoming match between the U.S. Naval Academy Women's Rugby Team and the Stanford University Women's Rugby Team.

Jeanine Stanek, representing the Sunnyvale Historical Society, announced an upcoming preview of a locally created documentary about Sunnyvale.

CONSENT CALENDAR

Councilmember Whittum pulled Item 1.E.

Vice Mayor Hamilton moved and Councilmember Howe seconded approval of the Consent Calendar with the exception of Item 1.E.

VOTE: 7-0

1.A. Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

1.B. RTC 08–131 List of Claims and Bills Approved for Payment by the City Manager – List No. 398

Staff Recommendation: Council reviews the attached lists of bills.

1.C. RTC 08–117 Authorization to Accept and Expend \$2,500 in Grant Funds from the American Library Association and Nextbook for a *Let's Talk About it: Jewish Literature* Reading and Discussion Series, and Budget Modification No. 44

Staff Recommendation: Council accepts \$2,500 in American Library Association/Nextbook grant funds for a *Let's Talk About It: Jewish Literature* reading and discussion program and approves Budget Modification No. 44.

1.D. RTC 08–133 City of Sunnyvale Investment Report 1st Quarter 2008

Staff Recommendation: Council receives and files the investment report.

Other Items

1.E. RTC 08–129 Agreement Between the City of Sunnyvale and the Friends of the Sunnyvale Public Library for FY 2008/09 – FY 2010/11

Councilmember Whittum inquired as to the role that Friends of the Sunnyvale Library has in terms of advocacy, legislation and supporting ballot measures.

Director of Libraries Deborah Barrow stated that a representative from the Friends of the Library is available to answer questions.

Public comments opened at 7:30 p.m.

Danielle Maddox, President of Friends of the Library, approached the lectern.

Councilmember Whittum questioned what the Friends of the Library group views as their role in advocacy for the maintenance and improvement of Sunnyvale Public Library services and materials. Maddox responded that last year the Friends of the Library advocated for the Library ballot measure. Maddox explained that the group's goal is to support the Library which is done financially through book sales and by volunteering which offsets paid positions.

Councilmember Whittum verified with Maddox that the Friends of the Library group contributed funds to the ballot measure last year. Councilmember Whittum inquired if the ballot measure was qualified at the time that the Friends of the Library contributed funds. Mayor Spitaleri stated this subject matter was not relevant and Councilmember Whittum clarified that it was relevant because once a ballot measure is qualified, then the City cannot pursue advocacy in terms of the qualified ballot measure. Councilmember Whittum stated his concern is that public property – books – are eventually being resold and then a percentage of those funds are being used to pursue advocacy for a tax measure. Councilmember Whittum questioned whether that is an appropriate way for public property to eventually be used.

City Manager Amy Chan explained that the Friends of the Library group are set up as a 501(c)(3) non-profit organization and they are separate from the City of Sunnyvale. City Manager Chan stated that the City has to comply with state law regarding any advocacy that is done; however, the Friends of the Library are not a part of those regulations regardless of their relationship with the City. City Attorney David Kahn agreed with the city manager that a non-profit organization 501(c)(3)'s activities are separate from that of the City and they are not subject to the same restrictions regarding advocating for a ballot measure.

Vice Mayor Hamilton inquired whether books donated to the Library become Library property. Vice Mayor Hamilton stated her understanding of the process is that donated books are picked up by the Friends of the Library who store them offsite for a later book sale. Director Barrow stated that frequently donated books become Library property and then they are given to the Friends of the Library who sell or discard them if needed. Director Barrow stated many books are stored offsite by this organization.

Vice Mayor Hamilton verified with the city attorney that since this organization is a 501(c)(3), the City cannot constrain their right to free speech, including legislative advocacy.

Councilmember Whittum explained that he is not implicating that a group should not speak freely; rather he is attempting to understand what the City's arrangement is with Friends of the Library in terms of public property and the transfer of it.

Councilmember Whittum explained that the charter for the Friends organization states they will not attempt to influence legislation. Councilmember Whittum questioned whether that restriction is respected within the agreement that the City is proposing to enter into with this organization.

Councilmember Whittum questioned whether an annual audit is performed to verify that the Friends group contributes 90 percent of their total donations to the Library as required within the agreement. Director Barrow explained that each year the Library submits a list of possible donations to the Friends group for consideration and the group then determines where they will donate their proceeds.

Jim Griffith, Chair of Board of Library Trustees, explained that the board unanimously voted to support this agreement. Griffith encouraged Council to support this agreement.

Griffith explained that as a 501(c)(3), the Friends group is not able to lobby for a council candidate but they do have the ability to lobby on issues and specific legislation provided the lobbying efforts do not represent a substantial amount of their income. Griffith explained that within these terms the group did contribute toward advocacy of last year's Library bond measure and some members also independently volunteered to assist the Library campaign.

Public comments closed at 7:40 p.m.

MOTION: Councilmember Howe moved and Vice Mayor Hamilton seconded to approve staff recommendation: Council approves the three-year agreement between the City and the Friends of the Sunnyvale Public Library, depicted by Attachment A, and authorizes the city manager to enter into the agreement by June 30, 2008.

Councilmember Howe explained that the Friends of the Library members have been a wonderful group that has helped the Library over a long period of time.

Councilmember Moylan stated the Friends of the Library have had an overall positive influence on the City and that is why this is a consent calendar item and should be viewed as non-controversial. Councilmember Moylan stated it is unworthy to suggest that there is any misuse of taxpayer funds occurring with Friends of the Library and that somehow the citizens who were in favor of a new library have some sort of unfair advantage due to the involvement of the friends group. In fact, the citizens in favor of the new library constituted 59 percent of the voters, a very clear majority of the voters in this town. Councilmember Moylan stated Council should absolutely endorse this agreement.

Councilmember Whittum stated he was not suggesting something inappropriate, rather the concern was in principal that government should not spend public resources to advocate for more government and more taxes. Councilmember Whittum explained that

up until a ballot is qualified, a City can advocate for an item; however, after that time, the City must remain neutral.

Councilmember Whittum stated the question is fair to ask particularly when the charter for the Friends of the Library specifically states that they will not attempt to influence legislation and yet the City's agreement with the group does not make any reference to this valid restriction.

Councilmember Whittum stated he will support the motion with reservation over this group using public property as a form of advocacy for increasing taxes, which is what happened during the last election.

Vice Mayor Hamilton stated she agreed with Councilmember Moylan's comments. Vice Mayor Hamilton explained that even Library employees assisted with the Library ballot measure. Vice Mayor Hamilton stated everyone has the right to free speech and to advocate for issues. Vice Mayor Hamilton stated the contents of the Friends of the Library Charter are not relevant to the discussion this evening. Vice Mayor Hamilton stated Council's focus on this item is over the City's agreement with the Friends of the Library and whatever they chose to do within their organization is their right.

VOTE: 7-0

1.F. RTC 08-139 Approval of Final Map (Tract No. 9997, Moffett Towers Lot 3) – A Six Lot Subdivision at H Street by Moffett Towers Lot 3 LLC

Staff Recommendation:

- Council approves the final map for Tract No. 9997;
- Council authorizes the mayor to sign the subdivision agreement upon: developer's signatures, submittal of improvement securities (if applicable), payment of development fees, and submittal of other documents deemed necessary by the Director of Public Works; and
- Council directs the city clerk to forward the final map for recordation.

1.G. ORDINANCE Adoption of Ordinance No. 2870-08 Amending Certain Sections of Chapters 2.08 and 2.09 of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Related to Authority for Awarding Contracts for Purchases of Goods and Services and Public Works Contracting

Staff Recommendation: Council approves the second reading of Ordinance No. 2870-08.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

City Manager Chan responded to public comments made during the April 8, 2008 Council meeting regarding parking concerns at the Danbury Place condominium complex. City Manager Chan explained that per Council direction, staff gave residents of Danbury Place information on the services that Project Sentinel offers, which includes free mediation service for property owners and tenants. Staff advised the residents of Danbury Place as to what the parking requirements are per

the conditions of approval for this complex and suggested guidelines for managing their onsite parking issues.

City Manager Chan responded to concerns expressed by the Danbury Place residents regarding enforcement of handicapped parking spaces. City Manager Chan stated because Danbury Place is private property, case law pertaining to the Americans with Disabilities Act and the Federal Housing Amendments Act does not allow the City to enforce parking. The use and regulation of accessible spaces on private residential is up to the owner or homeowners association and requires that reasonable accommodation apply to the use of accessible space at the housing complex. City Manager Chan explained that the determination on whether the Danbury Place Homeowners Association provided reasonable use of their accessible spaces to persons with disabilities depends on the specific facts of the situation. Only a court of law could determine if there was a violation of either the Americans with Disabilities Act or the Federal Housing Amendments Act.

City Manager Chan explained that this issue is a private matter that needs to be resolved between the residents and the homeowners association and staff encourages both parties to discuss whether or not reasonable accommodation is needed.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 08–130 Sunnyvale’s Golf Vision: A Look Toward the Future

Golf Operations Supervisor Mark Petersen presented the staff report.

Vice Mayor Hamilton verified that the Parks and Recreation Commission recommended a slightly different version of Alternative 3. Supervisor Petersen stated the commission recommended maintaining both golf courses at their existing levels, with some minor infrastructure improvement. Supervisor Petersen explained that the commission wanted to make Council aware that some projects may be brought forward which will pay for themselves by increased revenue and in addition will create additional revenues in the future.

Councilmember Swegles noted that 70 percent of the survey responders did not see the value in the golf courses, specifically the Sunken Gardens. Councilmember Swegles inquired if statistics were taken as to whether those who responded to the survey were golfers and/or familiar with how much the public uses the golf courses and what type of revenue is received. Director of Parks and Recreation David Lewis stated the large percentage of the community who responded to the survey were non-golfers.

Public hearing opened at 7:56 p.m.

Pat Vorreiter complimented Council for pursuing the visioning project. Vorreiter stated the survey suggests that at least 30 percent of those who responded, most who were non-golfers, saw the value in having the City’s two golf courses continue operations. Vorreiter explained that the two golf courses serve very different golfing communities and do not overlap. Vorreiter offered a suggestion that Council offer more latitude to the golf professionals in terms of marketing the courses to the public, which could enhance the

golfing rounds at the two courses.

Councilmember Moylan asked Vorreiter to explain the difference in the two golf courses. Vorreiter explained that Sunken Gardens is a nine-hole golf course and Sunnyvale Municipal Golf Course is an 18-hole golf course. The players who use Sunken Gardens do not have the time, financial resources nor health and endurance that it would take to play at the municipal golf course. The Sunken Gardens course offers a social community and exercise option for seniors. If Sunken Gardens was not available, the golfers who use that course would go outside of Sunnyvale to play a smaller course.

Councilmember Lee asked Vorreiter to elaborate on her comments regarding the need for additional marketing. Vorreiter explained that there are special clubs at both golf courses and suggested that the contacts for those clubs be listed in the Sunnyvale Parks and Recreation Guide. Vorreiter suggested having a weekly time set aside for families to play for a few hours at a reduced rate. Vorreiter offered that another idea would be to promote more corporate team bonding. Councilmember Lee verified with City Manager Chan that staff has total flexibility in terms of marketing the program. City Manager Chan stated staff will take note of the comments suggested.

Bob Kinder, Chair of Parks and Recreation Commission, explained how the commission voted. Kinder stated the commission offered some suggestions for improvement such as adding cart paths and rolling the greens.

Vice Mayor Hamilton inquired as to how many members of the public who attended the commission meeting were golfers. Kinder responded that there were two sets of golfers who attended the meeting because they were curious as to what action might be taken because they have upcoming tournaments. Kinder stated the other group had taken the survey and were curious to find out the commissions position on this issue.

Isabel Shaw, Captain of Tuesday Ladies Group at Sunken Gardens, spoke of the benefits of Sunken Gardens Golf Course. Shaw explained that the biggest margin of golfers using the course is seniors.

Louis Sanchez, Home Tournament Chairman for the Sunnyvale Senior Citizens Golf Club at the Sunnyvale Municipal Course, stated he supports the staff recommendation and the proposal to increase revenue by providing golf cart pathways all around the course. Sanchez explained the carts are essential for those who are not able to walk and will keep tournaments from being cancelled due to wet fairways. Sanchez provided an explanation about the club's marketing efforts.

Councilmember Swegles verified that staff will investigate "speed up play" programs at other courses in the future if assistance is needed in speeding up the pace of play at the golf courses. Currently, due to the decrease in play, this is not an issue.

Councilmember Whittum inquired what staff estimates the cost to be for the cart path and rolling of the greens. Supervisor Petersen explained that the cart path project is estimated at \$490,000 and is scheduled on the capital improvement plan for 2009/2010. Rolling of the greens is performed on an occasional basis because the greens were built in 1968 and the drainage is poor. Supervisor Petersen explained that the negative aspect of rolling the greens is that it compacts the ground. Councilmember Whittum inquired what would be the preferred method and Supervisor Petersen stated the only solution would be to

rebuild the greens which would be quite expensive. Supervisor Petersen stated staff would prefer that rolling of the greens stay at a minimum largely because the quality of the grass is better without it being rolled.

City Manager Chan explained that a discussion on golf operations can be scheduled for a separate meeting or can be discussed as part of the budget recommendation which will include the items that Councilmember Whittum has inquired about. City Manager Chan stated the item before Council this evening is whether staff should continue with current operations at the golf courses or take a different course. City Manager Chan stated the appropriate time to ask about budgetary items is during the budget dialogue.

Councilmember Whittum stated there is sensitivity to fees and inquired if fees are raised then will revenue increase as well. Director Lewis explained that fees are reviewed each year and staff recommends increases based on market studies. Council has the final decision on setting the fees. Director Lewis stated fees have been raised every year and the revenue has increased commensurate with the fee increase.

MOTION: Councilmember Swegles moved and Councilmember Lee seconded to approve Alternative 3: Council directs staff to maintain the current operational approach
with:

Council directs staff to look for additional revenue to implement cart pathways as recommended by the Parks and Recreation Commission.

City Manager Chan explained that Council will have an opportunity to comment on the City's budget. The item before Council is not asking for specific budgetary direction. Council will review capital projects at the budget workshop.

Vice Mayor Hamilton verified that the cart path is currently funded for 2009/10. Director Lewis explained the commission's recommendation is that Council approve Alternative 3. Director Lewis explained that the commission also wanted Council to keep in mind during their budget process that projects such as the cart pathway may be helpful in increasing revenue.

City Manager Chan explained that later during tonight's agenda, Council will be considering budget prioritization. City Manager Chan clarified that if something was funded in last year's budget, it could be changed because this year's recommended budget will be based on priorities set by Council. City Manager Chan stated this project may get recommended for funding or it may not.

MOTION: Councilmember Moylan moved and Councilmember Howe seconded to end debate on this item.

VOTE: 7-0

Restated MOTION: Councilmember Swegles moved and Councilmember Lee seconded to approve Alternative 3: Council directs staff to maintain the current operational approach
with:

Council directs staff to look for additional revenue to implement cart pathways as recommended by the Parks and Recreation Commission.

VOTE: 7-0

**3. ORDINANCE Options for Suspension of Timed Parking Enforcement During
RTC 08-127 Special Events**

Public Safety Captain Kelly Fitzgerald presented the staff report.

Councilmember Swegles verified that this study concentrated on the downtown area and time parking. Captain Fitzgerald stated the ordinance was written broad enough to allow changes in other parking signs; however, as indicated in the report, the “no parking” signs in streets affects the safety of bike lanes, traffic flow, and creates view issues. The “no parking” sign option creates more concerns than timed parking.

Councilmember Swegles verified with City Attorney David Kahn that it would be possible to narrow the scope of the ordinance, limiting it to the downtown area; however, the intention of the ordinance is to grant the traffic engineer the discretion to make changes to existing regulations in addition to removing timed parking for the downtown area. City Attorney Kahn explained that a request to change the ordinance would require additional study before staff brought back a revised ordinance to Council.

Vice Mayor Hamilton verified that it is extremely unlikely that the traffic engineer would take a “no parking” spot and turn it into a parking spot for a special event unless there was an emergency or unusual situation.

Vice Mayor Hamilton inquired whether the new parking garages in the redeveloped downtown would be included in this ordinance once they are completed. City Attorney Kahn explained that pay parking could not be imposed at the new parking areas downtown without the City’s consent and it is the City’s intention to have the parking areas open to the public without limitation. Should the developer bring forward a request for timed parking, the City would have the right to discuss and make a decision on that request.

Councilmember Moylan suggested adding one word to the proposed ordinance to assist in providing the traffic engineer with a narrower discretion as highlighted in the following statement “traffic engineer shall also have power and authority to suspend or modify existing parking **time** limitation,” Councilmember Moylan inquired if this small change could be done this evening and City Attorney Kahn explained that word could be added to the ordinance; however, the intent of the ordinance as it was brought forward was to provide broader discretion to the traffic engineer. Adding that word would limit the discretion of the traffic engineer only to the timed parking downtown but that might be inconsistent with earlier language in the ordinance. City Attorney Kahn stated the intention of the ordinance was to give the traffic engineer broader discretion so as to have the ability to suspend timed parking and other parking restrictions in an emergency situation. Councilmember Moylan agreed that his correction would create narrower discretion but that some Councilmembers might prefer that. Councilmember Moylan confirmed that changing the ordinance as he suggested can be done, but the city attorney does not recommend the change.

Public hearing opened at 8:36 p.m.

Kevin Jackson spoke in favor of the ordinance but explained that there are some items in the staff report that should be included in the proposed ordinance. Jackson recommended

Council postpone a decision until the ordinance has been sent to the Bicycle and Pedestrian Advisory Commission (BPAC) for review and feedback. Jackson suggested that timed parking be made into a separate ordinance.

Councilmember Whittum asked Jackson to continue with his comments. Jackson stated previously the city attorney mentioned that the City would face liability if the bike lanes in the Tasman/Fair Oaks area were closed and Jackson stated this information should be included as part of the fiscal impacts in the report. Jackson expressed several additional concerns over closing bike lanes. Councilmember Whittum verified that Jackson's main request is to have this item return to BPAC.

Councilmember Whittum requested staff respond to the speaker's request to have a review of this ordinance by BPAC.

Captain Fitzgerald explained that this item could return to BPAC; however, the ordinance was written specifically to give staff maximum flexibility, and the decision making ability to change signs or parking as needed in an emergency basis or for some other unusual reason. Captain Fitzgerald stated the entire focus of this report is for the downtown area and staff is very clear about safety issues.

City Manager Chan explained that Council's boards and commissions are advisory on policies to Council. City Manager Chan stated this matter is strictly operational; however if Council were to direct staff to return this item to the BPAC, she would ask Council to identify which policy BPAC would be considering.

Mayor Spitaleri explained that the intent behind this ordinance is to allow the traffic engineer flexibility for a limited time use and it is specifically designed for special events. City Attorney Kahn suggested adding text to the ordinance to address safety concerns. City Attorney Kahn added the following highlighted text to Section 10.16.030 (a) of the ordinance as, "The traffic engineer shall also have power and authority to suspend or modify existing parking limitations, **consistent with consideration of applicable traffic safety issues**, by erecting..."

Councilmember Whittum asked Jackson if he is recommending that the ordinance go before BPAC in order to allow the commission the opportunity to review the ordinance for consistency with the City's General Plan, which involves City policy. Jackson stated that BPAC reviews all reports that could have an impact on the cycling or pedestrian community. Jackson stated the commission does more than look at policy issues in terms of advising in areas needing bicycle and pedestrian expertise which traffic engineers normally do not have.

Jim Griffith explained that most private parking lots are not enforceable by public safety. Only if the owner enters into agreement with a jurisdiction, such as a city, would the vehicle code apply in that area allowing public safety the ability to enforce regulations and permitting signs to be posted.

Public hearing closed at 8:49 p.m.

MOTION: Vice Mayor Hamilton moved and Councilmember Moylan seconded to approve Alternative 1: Council adopts the proposed ordinance amending Chapter 10.16, allowing for the temporary suspension of timed parking for special events,

with

add the following highlighted text to Section 10.16.030 (a) of the ordinance:
“The traffic engineer shall also have power and authority to suspend or modify existing parking limitations, **consistent with applicable traffic safety issues**, by erecting...”

with

add the following highlighted text to Section 10.16.030 (a) of the ordinance:
“Signs shall remain in place only during the existence of the emergency **or special event** and the traffic engineer shall cause such signs...”

Councilmember Moylan offered a friendly amendment to have BPAC review the ordinance as part of an item they are already discussing regarding the prioritization of City street space, which is a policy issue.

Councilmember Moylan explained that the problem with the proposed ordinance is that it allows the traffic engineer, under conditions of the traffic engineer's own choosing, to say that parking is more important than mobility. Councilmember Moylan stated it is important to have this ordinance in place for the upcoming Art and Wine Festival which is why he seconded the motion. However, it is important that BPAC review the ordinance and if they recommend any changes, then an amendment to the ordinance can be made at a later time.

Vice Mayor Hamilton stated she will not accept the friendly amendment because most of this ordinance is for parking lots and there is nothing stopping BPAC from making a recommendation on this ordinance regardless of whether Council directs them to or not.

Councilmember Whittum inquired what the timeline is in order for this ordinance to be in place for the Art and Wine Festival and City Attorney Kahn stated the ordinance would become active 30 days from the second reading of the ordinance. Vice Mayor Hamilton explained that there is not enough time to send this ordinance back to BPAC prior to the Art and Wine Festival.

Vice Mayor Hamilton stated her support of this ordinance.

Councilmember Lee thanked staff for a good report.

Councilmember Moylan agreed with Vice Mayor Hamilton that BPAC does not need direction from Council to review and possibly recommend amending this ordinance as it is an item already before them.

Councilmember Moylan stated the emergency power needs to be preserved which is why it is inappropriate to put any language in this ordinance limiting it to the downtown, because emergencies can occur anywhere. Councilmember Moylan stated the issues surround pre-planned events and City staff should have full discretion in these situations. Councilmember Moylan stated ordinances are in place to ensure that things run smoothly and the parking issue needs to be fixed so that no one has the discretion to take away bike lanes (mobility space) for an event. Councilmember Moylan stated he looks to staff to come back to Council with a suggested revision to the ordinance regarding the parking issues.

Councilmember Swegles stated he does not agree with adding the words “special event” to the motion as moved by Vice Mayor Hamilton. Councilmember Swegles questioned if

staff did not include “special event” in the ordinance in order to avoid having to suddenly change the mobility and parking on a street during a special event. Captain Fitzgerald responded that staff wrote the ordinance to provide the traffic engineer some ability during an emergency; however, any change would be for the time period of the event only. Approval of this ordinance allows staff the ability to manage the parking and to waive time parking if necessary, which are important components of bike rider and pedestrian safety, and traffic impacts on neighborhoods. Captain Fitzgerald explained that the intent of this ordinance was for the downtown area.

Vice Mayor Hamilton identified she misread the section in which she suggested the change and modified her motion to correct the last sentence of Section 1.a. as highlighted:

In the event of an emergency, signs shall remain in place...

Restated MOTION: Vice Mayor Hamilton moved and Councilmember Moylan to approve Alternative 1: Council adopts the proposed ordinance amending Chapter 10.16, allowing for the temporary suspension of timed parking for special events,

with

add the following highlighted text to Section 10.16.030 (a) of the ordinance:

“The traffic engineer shall also have power and authority to suspend or modify existing parking limitations, **consistent with applicable traffic safety issues**, by erecting...”

with

add the following highlighted text to Section 10.16.030 (a) of the ordinance:

“**In the event of an emergency, signs** shall remain in place only during the existence of the emergency and the traffic engineer shall cause such signs...”

City Clerk Gail Borkowski read the title of the ordinance into the record.

VOTE: 7-0

4. RTC 08–124 Revisit the Implementation of the Sign Ordinance to Ensure that it Continues to Help Businesses Remain Competitive and to Look at Requiring Permits for the Use of Bounce Houses

Planning Officer Trudi Ryan presented the staff report.

Councilmember Howe verified with Planning Officer Ryan that the sign ordinance for bounce houses will remain the same in that parks have their own process, commercial use is contained within the ordinance, and private use does not require a permit. Planning Officer Ryan explained that a permit is necessary with any type of commercial activity.

Councilmember Lee verified with Planning Officer Ryan that staff will be returning to Council with a study issue in reference to sign limitations for those who rent spaces at the shopping mall.

Public hearing opened at 9:06 p.m.

No speakers.

Public hearing closed at 9:06 p.m.

MOTION: Councilmember Lee moved and Councilmember Howe seconded to approve Alternative B: Council directs staff to prepare an ordinance to amend the Title 19 Zoning Code resulting in reorganization of the bounce house/large inflatable object code sections for easier communication to the public. The draft ordinance will be noticed in the Sunnyvale Sun and brought to the Planning Commission and City Council.

VOTE: 7-0

5. RTC 08–125 Council Subcommittee Recommendation on Priority Rankings for FY 2008/2009 City Services and Projects

Finance Manager Grace Leung presented the staff report.

Councilmember Moylan and Councilmember Swegles asked questions about the attachments in the staff report. Director of Employment Development Mike Curran and Director of Finance Mary Bradley responded.

Public hearing opened at 9:14 p.m.

No speakers.

Public hearing closed at 9:14 p.m.

MOTION: Councilmember Howe moved and Councilmember Swegles seconded to approve Alternative 1: Council approves the subcommittee's recommendation on priority rankings for FY 2008/09 City services and projects as detailed in Attachment C

Councilmember Howe and Moylan thanked the committee.

Councilmember Moylan offered a friendly amendment to change Department of Public Works (DPW) 900103, crosswalk at Homestead High School, to Level 2 in the priority ranking. Councilmember Moylan explained that this is a dangerous situation and blinking sidewalks are needed.

Councilmember Howe accepted the friendly amendment.

As a member of the subcommittee, Vice Mayor Hamilton stated there are many items that need attention and priority status; however, when reviewing the blinking sidewalks, they did not seem very effective. Vice Mayor Hamilton stated she does not agree with placing blinking lights on the same level as police and fire response.

Councilmember Whittum offered a friendly amendment to change (DPR) 826770 Murphy Park Tot Swing Set to Level 4 in the priority ranking.

Councilmember Howe verified with Director Lewis that the overall park study currently in process will address the Murphy Park Tot Swing Set and will be presented to Council on September 9, 2008.

Councilmember Howe stated he will not accept the friendly amendment as he would prefer that the item be addressed in the study issue.

Councilmember Moylan offered a friendly amendment to change Community Development Department (CDD) 230840, support the Housing and Human Services Commission, to Level 4 in the priority ranking.

Councilmember Howe accepted the friendly amendment.

Vice Mayor Hamilton requested all friendly amendments be pulled from the motion and voted on separately.

Councilmember Howe revised his motion to remove the three friendly amendment items in order that they may be voted on separately.

MOTION: Councilmember Howe moved and Councilmember Swegles seconded to approve Alternative 1: Council approves the subcommittee's recommendation on priority rankings for FY 2008/2009 City services and projects as detailed in Attachment C **with** the exception of the following items, DPW 900103, DPR 826770, and CDD 230840.

VOTE: 7-0

MOTION: Councilmember Moylan moved and Councilmember Whittum seconded to change the ranking of DPW 900103, In Pavement Crosswalk Warning Lights, from Level 5 to Level 2.

VOTE: 6-1 (Vice Mayor Hamilton dissented)

MOTION: Councilmember Moylan moved and Councilmember Whittum seconded to change ranking of CDD 230840, Support Housing and Human Services Commission, from Level 5 to Level 4.

Vice Mayor Hamilton stated she opposes the motion because there are many other things that more directly support vulnerable populations.

Councilmember Whittum spoke in favor of this priority ranking system and stated it has helped Council move smoothly through this process.

Councilmember Whittum stated he will support the motion as it reflects the importance of the commission.

Councilmember Swegles stated he agreed with Vice Mayor Hamilton and he will not support the motion as there are many other areas that need assistance.

Councilmember Moylan stated it is important that this commission receive the added support for the next two years because the block grant funding allocation process is being reformed and the Housing and Human Services Commission will be in the center of that process.

VOTE: 4-3 (Vice Mayor Hamilton and Councilmembers Howe and Swegles dissented)

MOTION: Councilmember Whittum moved and Councilmember Swegles seconded to change ranking of DPR 826770, Murphy Park Tot Swing Set, from Level 5 to Level 4.

Councilmember Howe stated staff is currently reviewing all the parks in the City and the staff report is set to come before Council in September. Councilmember Howe stated the City should not be looking at individual park items such as a tot swing with the park study currently ongoing.

Councilmember Whittum disagreed with Councilmember Howe and stated that the swing set does not interfere with the Parks of the Future study. The swing set was already approved by a previous council and needs funding at this point. Councilmember Whittum stated this is a reasonable expense and it is a quality of life issue for the residents in the area.

VOTE: 3-4 (Mayor Spitaleri, Vice Mayor Hamilton and Councilmembers Moylan and Howe dissented)

Motion failed.

Mayor Spitaleri thanked staff and department directors for providing the extensive information and assisting with expediting the ranking process for the subcommittee. Mayor Spitaleri also thanked Councilmember Whittum and Vice Mayor Hamilton for their assistance in working with him on the subcommittee.

NON-AGENDA ITEMS & COMMENTS

COUNCIL: Councilmember Swegles complimented staff on their report, Sunnyvale's Golf Vision: A Look Toward the Future, which was quite extensive and well done.

Councilmember Swegles explained that the Sunnyvale Golf Course is no longer called the "muni course", rather it is now referred to as the Sunnyvale Golf Course.

Councilmember Lee noted that under the information only items in today's agenda, staff has responded to the public's concerns over the light brown apple moth.

Mayor Spitaleri thanked the Director of Public Safety Don Johnson and all the volunteers who assisted at the recent Public Safety Open House. Mayor Spitaleri stated the event was a great success.

STAFF: None.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 08-138 California Department of Food and Agriculture Actions in Response to Light Brown Moth
- RTC 08-135 Boards and Commissions Quarterly Attendance (Winter 2008)
- RTC 08-134 Opportunity for Council to Appeal Decisions of the Planning Commission Meeting of April 14, 2008 and the Administrative Hearing of April 16, 2008
- Approved Minutes of the Housing & Human Services Commission Meeting of March 26, 2008
- Draft Minutes of the Parks and Recreation Commission Meeting of April 9, 2008

ADJOURNMENT

Mayor Spitaleri adjourned the meeting at 9:32 p.m.

Gail T. Borkowski
City Clerk

Date